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FR, AORC, UNSC
SUBJECT: EU MAINTAINS MEK ON TERRORIST LIST

REF: A. PARIS 01188
[1](#)B. PARIS 01169

Classified By: USEU EconMinCons Peter Chase for reasons 1.4 (b), (d), (e).

[1](#)1. (U) SUMMARY: The Council of the European Union issued its semi-annual review of terrorist-related groups and individuals July 15. Despite the UK's domestic de-listing of the Mujahedin-E Khalq (MEK) on June 24, the Council decided to maintain the MEK on its list. END SUMMARY.

[1](#)2. (U) The EU relies on the decision of a competent authority as the basis of their listings. A competent authority is defined as "a judicial authority, or, where judicial authorities have no competence in the area covered by this paragraph, an equivalent competent authority in that area," in Council Common Position 2007/931. For the initial listing of the MEK the UK served as the competent authority, however with the UK's domestic de-listing of the MEK on June 24, the UK was no longer able to provide the basis for the EU's listing.

[1](#)3. (S/NF) Francesco Fini, the permanent staffer from the Council-Secretariat covering EU 931 committee counselors, told USEUOff the decision was made based on "completely new" evidence provided by a different competent authority. German MFA contacts reported it was the French who presented the evidence. Fini informed USEUOff that a "Statement of Reason" had been sent to the MEK's lawyers and upon their approval will be made public. COMMENT: While the exact form of evidence that was provided is unknown, Fini overly stressed that ongoing investigations can be considered evidence enough for these designations. END COMMENT.

[1](#)4. (C) This decision falls in line with previous comments made by the French to Emboffs in Paris. French MFA Political Director Gerard Araud had previously conveyed France's belief that maintaining the MEK's terrorist designation was of utmost importance (reftel A). France's determination to maintain the MEK on the EU's list was also conveyed by French MFA NEA A/S-equivalent Jean Felix-Paganon in a separate meeting with USG officials on June 12 (reftel B).

[1](#)5. (S/NF) The decision to maintain the MEK on the EU's list comes contrary to the EU's regulations and procedures, which require the Council to notify groups one month in advance of their decision to maintain them on the list. When asked of

this requirement, Fini stated the Council was "not in a position to do that" in this instance. He further said the Council acted to "protect the surprise effect" of the designation, and did so knowing this would cause difficulty in a certain to come legal challenge before the Court of First Instance. Fini expected the case would be filed quickly after the recess.

SILVERBERG

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